

Application No. 10/751,157
Attorney Docket No. 120485 (GECZ 2 00605)
Response to Office Action dated September 21, 2005

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of September 21, 2005.

In this response, Applicants amended selected claims to provide a more complete scope of protection for the invention and present clarifying remarks believed to remedy the Examiner's rejections and place the claims in condition for allowance.

Reexamination and reconsideration are respectfully requested.

I. Claim Rejections

Claims 1-5, 9-14 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2004/0105264 to Spero.

Claims 6-8 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spero in view of U.S. Patent Application No. 2005/0128751 to Roberge et al.

With respect to claim 1, as amended, Applicants respectfully submit that the subject matter differs from the art taught in Spero.

Claim 1, as amended, calls for a lighting assembly comprising a housing defining a hollow chamber having an open top. A circuit housing covers the open top of the housing. An organic light emitting diode (OLED) light source is mounted in the housing. A power source is provided for the OLED. A light transmissive portion of the housing allows light from the OLED light source to pass therethrough.

Conversely, Spero discloses a digital lighting fixture (DLF) which can control individual "digit" light sources to provide a controlled illumination. The top and bottom drawings of Figure 4 of Spero illustrate different embodiments of the DLF. The top drawing shows a sealed disc shaped containment (40) containing a plurality of light sources (41) where the radial position of each light source and the aiming is such as to yield a specified lighting pattern on the surfaces to be illuminated therefrom. A printed circuit board (44) with power and control circuitry is housed within the containment and screws (45) are provided for affixing the containment to a surface. Electrical connection is made via a connector or sharp prongs to a conductor (47) which are pressed against the conductors to make electrical contact. The total assembly (48) with its light sources, its power conditioning and control equipment and connection to power source, be it integral such as

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with on board batteries, or external from a power line constitutes a complete lighting fixture replacement element (page 15, ¶ 0124).

The bottom drawing of Figure 4 shows a snap on step light (66) for outdoor use. Again, a plurality of light sources (50) is contained in a sealed watertight housing (51) which is substantially transparent in the area in front of the light sources. A two-conductor cable (52), which conducts power, is installed along a building surface or railing along the area to be illuminated. A bracket (53) is attached to the wall (64) on which the light puck is to be placed. A screw (58) locks the light on the bracket. As the screw is tightened, it pushes a contact block (59) with conductive piercing prong (60) against the power cable thereby making contact with an electrical conductor (62). The step light is sealed for life during manufacture since there are no serviceable parts inside for the lifetime of the electronic components (page 15, ¶ 0126).

As is evident from both embodiments of the DLS in Figure 4, Spero fails to teach, show or even suggest a housing defining a hollow chamber having an open top or a circuit housing which covers the open top of the housing. In fact, by sealing the disc shaped containment (40) and sealing the step light (66), Spero teaches away from the present invention. Moreover, Spero further teaches away from the circuit housing of the present invention by housing the printed circuit boards for the light sources within the sealed containment and the sealed step light.

The Examiner's interpretation of Spero is not a fair interpretation. The amendment to claim 1 was not necessary to define over Spero; rather, the amendment provides a more direct correlation between the specification description and the claimed subject matter. Accordingly, claim 1, as amended, and claims 2-11 dependent or ultimately dependent therefrom define over Spero, whether it is considered on its own under §§ 102 or 103, or in combination with any of the remaining art of record.

Regarding claim 2, as amended, Applicants respectfully submit that Figure 3B of Spero fails to disclose a diffuser mounted in the housing and interposed between the OLED light source and the light transmissive portion for diffusing the light received from the OLED. Conversely, Figure 3B of Spero shows a diffuser (37) comprising diffusing sections (38) and clear, fully transmissive slots (39) (page 14, ¶ 0121). The light emanating from the LEDs (31) passes through the clear slots the diffuser is illuminated by stray light

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emanating beyond the LEDs. Thus, the diffuser (37) is not located between the LEDs and the light transmissive slots.

Regarding claim 5, as amended, Applicants respectfully submit that Spero fails to disclose a reflector received in the housing for directing light from the OLED light source toward the light transmissive portion of the housing.

Spero discloses that it is well known that not all of the light produced by a conventional LED escapes through an end face because a portion of the light is totally internally reflected at the interface between the diode and surrounding air. Thus, Spero teaches that it would be advantageous to build a multitude of very small diodes with relatively large surface areas relative to volume which will lessen the amount of light reflected. (page 16, ¶ 0139). The light-emitting diodes can have a structure in which a light emitting area; a transparent layer which is pervious to light radiated from the light emitting area; and an opaque layer which is impervious to the radiated light are arranged such that the refractive index of the total reflection layer is smaller than that of the transparent layer (page 16, ¶ 0141). No separate reflector is shown in Spero.

Claim 12, as amended, calls for an outdoor landscape lighting assembly comprising a housing defining a hollow chamber having an open top. A removable circuit housing is disposed over the open top of the housing. An OLED light source is mounted on the circuit housing and sealed from the external environment. A low power source for the OLED includes a photovoltaic panel for selectively charging a rechargeable battery. A light transmissive portion of the housing allows light from the OLED light source to pass therethrough.

As stated above, Spero fails to teach, show or suggest a housing defining a hollow chamber having an open top or a circuit housing disposed over the open top of the housing. Spero also fails to disclose a light source mounted to the circuit housing. Conversely, Spero teaches the printed circuit boards for the light sources are housed within the sealed containment (40) and sealing the step light (66). Accordingly, claim 12, as amended, and claims 13-18 dependent or ultimately dependent therefrom define over Spero, whether it is considered on its own under §§ 102 or 103, or in combination with any of the remaining art of record.

Regarding claim 13, as amended, and for at least the reasons discussed in the

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preceding paragraphs relative to claim 2, Applicants respectfully submit that Spero fails to disclose a diffuser mounted in the housing and interposed between the OLED light source and the light transmissive portion for diffusing the light received from the OLED

CONCLUSION

All formal and informal matters have been addressed. For the reasons detailed above, it is respectfully submitted claims 1-18 are in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

**FAY, SHARPE, FAGAN,
 MINNICH & MCKEE, LLP**

Date: 09 January, 2005

Timothy E. Nauman
 Timothy E. Nauman
 Reg. No. 32,283
 1100 Superior Avenue - 7th Floor
 Cleveland, Ohio 44114-2579
 (216) 861-5582 (phone)
 (216) 241-1666 (facsimile)

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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